

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,**

**Plaintiff,**

**v.**

**HMD GLOBAL OY,**

**Defendant.**

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**C.A. No. 2:20-cv-00078-JRG**

**JURY TRIAL DEMANDED**

**P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to P. R. 4-3 and the Court's Docket Control Order, Plaintiff Cellular Communications Equipment LLC and Defendant HMD Global Oy file this joint claim construction and prehearing statement.

**1. The construction of those claim terms, phrases, or clauses on which the parties agree;**

The Parties agree to the construction of the following claim terms for U.S. Patent No. 7,218,923:

<b>Claim Term</b>	<b>Agreed Construction</b>
“diverting” (claims 1, 8)	Plain and ordinary meaning
“based on the message” (claim 1)	Plain and ordinary meaning
“controlling” (claims 1, 3-4)	Plain and ordinary meaning
“behaves in a predetermined manner” (claim 1)	Plain and ordinary meaning
“controlling entity” (claims 1, 3-4, 8)	“a software component, separate from a component that diverts the message, that is configured to control whether the application program behaves in a predetermined manner”

**2. Each party’s proposed claim construction or indefiniteness position for each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party’s position, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;**

Plaintiff’s identification of proposed constructions and supporting evidence is attached hereto as Exhibit A.

Defendant’s identification of proposed constructions and supporting evidence is attached hereto as Exhibit B.

**3. The anticipated length of time necessary for the Claim Construction Hearing;**

The parties anticipate 2 hours as the total length of time necessary for the claim construction hearing.

**4. Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing;**

At this time, the parties do not intend to call any witnesses at the claim construction hearing.

**5. A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.**

At this time, the parties have no issues that might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: November 25, 2020

Respectfully submitted,

<p><u>/s/ Jerry D. Tice II</u>  Jeffrey R. Bragalone (lead attorney)  Texas Bar No. 02855775  Jonathan H. Rastegar  Texas Bar No. 24064043  Hunter S. Palmer  Texas Bar No. 24080748</p> <p><b>BRAGALONE CONROY PC</b>  2200 Ross Avenue  Suite 4500W  Dallas, TX 75201  Tel: (214) 785-6670  Fax: (214) 785-6680  jbragalone@bcpc-law.com  jrastegar@bcpc-law.com  jtice@bcpc-law.com  hpalmer@bcpc-law.com</p> <p>Attorneys for Plaintiff  <b>CELLULAR COMMUNICATIONS  EQUIPMENT LLC</b></p>	<p><u>/s/ Deron R. Dacus (with permission)</u>  Deron R. Dacus  State Bar No. 00790553  <b>The Dacus Firm, P.C.</b>  821 ESE Loop 323, Suite 430  Tyler, Texas, 75701  +1 (903) 705-1117  +1 (903) 581-2543 facsimile  ddacus@dacusfirm.com</p> <p>Matthew S. Warren (California Bar No. 230565)  Jen Kash (California Bar No. 203679)  Erika Warren (California Bar No. 295570)  <b>Warren Lex LLP</b>  2261 Market Street, No. 606  San Francisco, California, 94114  +1 (415) 895-2940  +1 (415) 895-2964 facsimile  20-78@cases.warrenlex.com</p> <p><i>Attorneys for HMD Global Oy</i></p>
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on November 25, 2020. As of this date all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jerry D. Tice II  
Jerry D. Tice II